

Message Text

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ACTION L-02

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FM AMEMBASSY PARIS

TO SECSTATE WASHDC 8478

UNCLAS PARIS 09419

E.O. 11652: N/A

TAGS: CPRS, PFOR, FR

SUBJECT: EXTRADITION - HOLDER/KERKOW

EUR/WE PLEASE PASS AMBASSADOR RUSH

REF: A. STATE 78361; B. STATE 74052; C. PARIS 8856

1. SUMMARY: AT APRIL 14, 1975 SESSION OF THE PARIS CHAMBRE D'ACCUSATION PRESIDENT REJECTED AMERICAN REQUEST FOR EXTRADITION OF WILLIAM HOLDER AND KATHERINE KERKOW. PRESIDENT GAVE FULL CREDENCE TO KERKOW'S AND HOLDER'S PASSIONATE OPPOSITION TO U.S. INVOLVMENT IN VIETNAM AS THE PSYCHOLOGICAL BACKGROUND FOR THEIR DECISION TO HIGHJACK PLANE.

2. PRESIDENT'S DECISION BEGAN WITH REFERENCES TO U.S. LAW CITING OUR DOCUMENTATION SUPPORTING EXTRADITION REQUEST AND EQUIVALENT FRENCH CODE PROVISIONS AGAINST THE CRIME OF HIGHJACKING. HE REFERRED TO FRENCH UNITED STATES EXTRADITION TREATY AND TO ITS PROVISION THAT POLITICAL OFFENSES WERE NOT EXTRADITABLE. HE NOTED THAT NO ONE WAS CHALLENGING THE FACTS OF THE CASE. AS KERKOW AND HOLDER WERE PLEADING POLITICAL MOTIVATION THE COURT HAD TO DECIDE ON THIS QUESTION.

3. PRESIDENT PROCEEDED TO NOTE HOLDER'S DECLARED OPPOSITION TO U.S. MILITARY ROLE IN VIETNAM. HE
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REVIEWED HIS MILITARY RECORD INCLUDING HIS ALLEGED

DESERTION IN 1970 AND UNDESIRABLE DISCHARGE IN 1972.

KERKOW, HE SAID, WAS A MILITANT IN ANTI-WAR MOVEMENTS.

AFTER HOLDER RETURNED TO U.S., HE AND KERKOW BEFRIENDED

ONE ANOTHER. TOGETHER THEY DECIDED ON THE HIGHJACKING

AS MEANS OF SHOWING THEIR DISAPPROVAL OF VIETNAM

POLICY. THE RANSOM, DECISION CONTINUED, WAS DESTINED

FOR THE VIETCONG. BOTH HOLDER AND KERKOW WERE MOTIVATED

BY PASSIONATE FEELINGS ABOUT VIETNAM. ALGERIA'S

DECISION TO GRANT POLITICAL ASYLUM WAS ALSO NOTED.

4. PRESIDENT ALSO SURVEYED HOLDER'S HISTORY OF MENTAL

TROUBLES, USE OF NARCOTICS AND PSYCHO-HYSTERICAL CRISES,

WHICH LED KERKOW TO BRING HOLDER TO FRANCE TO BE

TREATED. DOCTORS HAVE CONFIRMED THE SERIOUSNESS OF

HOLDER'S MENTAL ILLNESS.

5. IN CONCLUSION PRESIDENT EMPHASIZED THE PASSIONATE

MOTIVES OF BOTH PARTIES WHICH ORIGINATED IN OPPOSITION

TO A POLITICAL POLICY. HOLDER WAS ALSO SEEKING TO

ABSOLVE HIMSELF FOR PARTICIPATION IN WAR. PRESIDENT

SAID NEITHER PARTY ACTED OUT OF A DESIRE FOR VENGEANCE

AGAINST INDIVIDUALS, NO ONE WAS PHYSICALLY HURT AND

NO FINANCIAL GAIN WAS WON BY EITHER HOLDER OR KERKOW.

ON BASIS OF FOREGOING REASONING, PRESIDENT RULED

AGAINST EXTRADITION REQUEST.

6. EMBASSY HAS CONFIRMED THAT KERKOW AND HOLDER WILL

REMAIN IN CUSTODY WHILE INVESTIGATING MAGISTRATE

CONCLUDES CASE AGAINST THEM FOR USE OF FALSE DOCUMEN-

TATION. INVESTIGATING MAGISTRATE EXPECTS TRIAL WITHIN ON

MONTH.

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